

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- x

In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88  
ECF Case

----- x

**This document relates to the following case:**

*City of New York v. Amerada Hess Corp., et al.*  
Case No. 04 Civ. 3417

----- x

**PLAINTIFF CITY OF NEW YORK'S NOTICE OF MOTION AND  
MOTION IN LIMINE NO. 7 TO EXCLUDE EVIDENCE OF RELATIVE  
TOXICITY OF OTHER CONTAMINANTS AS COMPARED TO MTBE**

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on May 11, 2009, at the United States Courthouse at 500 Pearl Street, New York, New York 10007, before the Hon. Shira A. Scheindlin, United States District Judge, Plaintiff the City of New York hereby moves this Court *in limine* to enter an Order that Defendants shall not introduce evidence, argument or commentary regarding the relative toxicity of other contaminants as compared to MTBE.

//

//

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting the relief set forth in this Motion. In support of its Motion, Plaintiff relies upon the Memorandum of Law filed concurrently herewith, and the pleadings, records and files in this action. Plaintiff requests an oral hearing on this Motion.

Dated: San Francisco, California  
May 11, 2009

Respectfully submitted,

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
Attorney for Plaintiff City of New York  
100 Church Street  
New York, New York 10007  
(212) 788-1568

/s/ MARNIE E. RIDDLE  
VICTOR M. SHER (*pro hac vice*)  
TODD E. ROBINS (*pro hac vice*)  
JOSHUA G. STEIN (*pro hac vice*)  
LESLEY E. WILLIAMS (LW8392)  
NICHOLAS G. CAMPINS (*pro hac vice*)  
MARNIE E. RIDDLE (*pro hac vice*)

SHER LEFF LLP  
450 Mission Street, Suite 400  
San Francisco, CA 94105  
(415) 348-8300

*Attorneys for Plaintiff City of New York*

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the following documents were served on Liaison Counsel via Electronic Mail, and on all counsel of record by posting them directly to CM/ECF and LexisNexis File & Serve on the 11th day of May, 2009:

**PLAINTIFF CITY OF NEW YORK'S NOTICE OF MOTION AND  
MOTION IN LIMINE NO. 7 TO EXCLUDE EVIDENCE OF RELATIVE  
TOXICITY OF OTHER CONTAMINANTS AS COMPARED TO MTBE**

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF CITY OF NEW  
YORK'S MOTION IN LIMINE NO. 7 TO EXCLUDE EVIDENCE OF  
RELATIVE TOXICITY OF OTHER CONTAMINANTS AS COMPARED  
TO MTBE**

**[PROPOSED] ORDER GRANTING PLAINTIFF CITY OF NEW YORK'S  
MOTION IN LIMINE NO. 7 TO EXCLUDE EVIDENCE OF RELATIVE  
TOXICITY OF OTHER CONTAMINANTS AS COMPARED TO MTBE**



KRISTIN MEYERS